

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

<p>In the Matter of:</p> <p>Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association</p>	<p>CC Docket No. 95-116</p>
---	-----------------------------

**COMMENTS OF THE RURAL IOWA INDEPENDENT TELEPHONE ASSOCIATION
IN OPPOSITION TO THE PETITION FOR DECLARATORY RULING OF THE
CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION**

The Rural Iowa Independent Telephone Association ("RIITA") is a nonprofit association of rural independent telephone companies, representing approximately 130 Iowa incumbent local exchange carriers. All of RIITA's members actually serve fewer than 20,000 access lines. Approximately one-half of RIITA's members serve fewer than 1,000 access lines. The vast majority of members are exempt rural telephone companies pursuant to Section 251(f)(1)(A) of the Telecommunications Act of 1996. 47 U.S.C. § 251(f)(1)(A)

The Cellular Telecommunications & Internet Association ("CTIA") has filed a new Petition for Declaratory Ruling on the heel of the Petition for Declaratory Ruling that it filed on January 23, 2003, which it calls the "Rate Center Petition." CTIA's primary request in the Rate Center Petition was that local number portability ("LNP") be required between land line local exchange carriers and wireless or commercial mobile radio service ("CMRS") throughout the CMRS carriers' major trading area ("MTA"). CTIA argued that if a CMRS carrier's service area overlaps a wire line carrier's exchange area, then the wire line carrier should be required to port

numbers to the CMRS carrier. Numerous comments have been filed, including comments by RIITA, pointing out that CTIA's request is a request for geographic portability, despite its statements to the contrary. In addition, numerous comments have been filed pointing out that CTIA's request raises rating and routing issues of substantial complexity in both technology and in law. Those comments have also pointed out that this docket is inappropriate for resolution of these issues and that CTIA relies on numerous assumptions that are factually false.

Now CTIA again petitions the Commission and continues its allegations that this Commission is not performing its duties. Specifically, CTIA requests that the Commission adopt a number porting interval, that number portability should be required without inter-connection negotiations, and that several other specific issues must be addressed prior to the implementation of LNP for CMRS carriers.

Rather than restating the numerous comments already filed in this docket regarding CTIA's basic proposal, RIITA wishes to draw this Commission's attention to several basic points that have emerged throughout this comment process:

1. Most of the issues raised in CTIA's latest petition (other than those related strictly to wireless LNP) are based on the assumption that it will receive favorable relief in its earlier petition.
2. CTIA's earlier petition is a petition for geographic portability, rather than local number portability, because it would require wire line local exchange carriers to port numbers outside of their rate centers or exchange boundaries.
3. Independent rural local exchange carriers in Iowa are not generally physically interconnected with any CMRS carriers. Calls bound for exchanges outside the local exchange areas for Iowa rural independents are of necessity handled as one plus calls by interexchange carriers.

Presently, by virtue of this Commission's rules and the limits of present technology, local number portability need only be provided on a local basis. RIITA restates its earlier comments that prior to changing the existing FCC rules, a full docket should be opened and any decision be based on the actual state of intercarrier interconnection rather than CTIA's assertions as to what types of interconnection exist.

Addressing CTIA's specific requests, number portability cannot be provided in the manner requested by CTIA without a change in existing FCC rules and without physical interconnection. Physical interconnection for the exchange of local traffic can only be accomplished by a negotiated interconnection agreement. CTIA misses an analytical step by alleging that local exchange carriers are requiring interconnection negotiations in order to provide local number portability. Instead, independent local exchange carriers simply are not presently interconnected with CMRS carriers. It is a necessary first step that interconnection occur and interconnection cannot occur without an agreement to exchange local traffic. This portion of CTIA's petition should be denied.

To the extent that CTIA seeks a resolution of number porting intervals between CMRS carriers, RIITA has no objection or comment. However, to the extent that CTIA seeks a resolution of porting intervals between rural independent local exchange carriers and CMRS carriers, RIITA believes that there is no factual basis in this record to resolve the issues raised, nor is there a factual basis to even establish this problem exists. As noted, in most rural independent exchanges, there is no physical interconnection and no agreement to exchange local traffic. As a consequence, local number portability is not technologically nor legally available and there

would be no basis to assert that local exchange carriers are not providing local number portability in a reasonably timely fashion.

Finally, RIITA does not comment on the CMRS LNP specific issues. Other than those issues specifically related to wireless LNP, RIITA respectfully requests that the Federal Communications Commission dismiss CTIA's Petition.

Respectfully Submitted,

WHITFIELD & EDDY, P.L.C.

By 
THOMAS G. FISHER JR.

317 Sixth Avenue, Suite 1200
Des Moines, Iowa 50309-4195

ATTORNEYS FOR RURAL IOWA
INDEPENDENT TELEPHONE ASSOCIATION

Copy filed with:

Qualex International, Portals II
445 12th Street S.W.
CY-B402
Washington, D.C. 20554